

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

Lelia Holley

Plaintiff,

v.

Great Clips, Inc. and Cherry BIM, Inc.,

Defendants.

Civil Action  
File No.:

**NOTICE OF REMOVAL**  
**28 U.S.C §§ 1332, 1441**

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TO: THE UNITED STATES DISCRICT COURT FOR THE DISTRICT OF SOUTH  
CAROLINA, AIKEN DIVISION

LELAND M. MALCHOW, ESQUIRE, CHRIS C. JOHNSON, ESQUIRE, DANE  
ANDREW ANDERSON, JR., ESQUIRE ATTORNEYS FOR PLAINTIFF

In accordance with the provisions of 28 U.S.C. §§ 1332(a), 1441 and 1446, notice is  
given as follows:

1. Defendants, Great Clips, Inc. and Cherry BIM, Inc. (hereinafter collectively  
referred to as “Defendants”), hereby remove this lawsuit from the Court of Common Pleas for the  
Second Judicial Circuit, County of Aiken, South Carolina, where it was filed by Plaintiff and  
assigned Case No. 2021-CP-02-00294 to the United States District Court for the District of South  
Carolina, Aiken Division. A Copy of the Summons and Complaint are attached as Exhibit A,  
which contains all process and pleadings filed or served in this action as of the date of this notice.

2. For purposes of the removal analysis, Defendant Great Clips, Inc.’s first notice of  
this lawsuit was Plaintiff’s service of the Summons and Complaint on Great Clips, Inc. on February  
17, 2021. Defendant Cherry BIM, Inc.’s first notice of this lawsuit was Plaintiff’s service of the  
Summons and Complaint on Cherry BIM, Inc. on March 8, 2021. The time within which

Defendants are permitted to file a notice of removal under 28 U.S.C § 1446 has not expired as of the time of the filing of this Notice of Removal.

3. Upon information and belief, at the time of the commencement of this action and of the filing of this Notice of Removal, Plaintiff was and is a resident of the State of South Carolina. (Compl. ¶ 1.)

4. At the time of the commencement of this action and of the filing of this Notice of Removal, Defendant Great Clips, Inc. was and is a Minnesota corporation with its principal place of business in Minnesota. Accordingly, Great Clips, Inc. is deemed a citizen of Minnesota for purposes of diversity jurisdiction.

5. At the time of the commencement of this action and of the filing of this Notice of Removal, Defendant Cherry BIM, Inc. was and is Georgia corporation with its principal place of business in Georgia. Accordingly, Cherry BIM, Inc. is deemed a citizen of Georgia for purposes of diversity jurisdiction.

6. Pursuant to 29 U.S.C. §§ 1332, 1441, and 1446, complete diversity of citizenship exists, and this court has subject matter jurisdiction over this case.

7. Plaintiff has not alleged a specific amount in controversy. However, the allegations of the Complaint demonstrate that the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00. See U.S.C. § 1332(a).

a. Plaintiff alleges she has suffered “severe injuries” as a result of a fall at a Great Clips location. Concerning damages, Plaintiff alleges she has incurred:

- i. Present bodily pain from the date of injury to the time of trial;
- ii. Future bodily pain;

- iii. Past, present, and future mental suffering due to permanent injuries and monetary loss; and,
- iv. Loss of enjoyment of life and recreation due to the fact that Plaintiff is not physically and emotionally capable of being the same person as she was prior to being injured

b. Plaintiff also asserts special damages as:

- i. Presently incurred medical expenses which are still to be determined;
- ii. Medical expenses that will most likely be incurred in the future because Plaintiff's injuries will persist;
- iii. Expense of travel for medical treatment;
- iv. Lost wages.

(Compl. ¶¶ 20, 24.)

c. In addition to the foregoing, Plaintiff's counsel indicated in September 2020 that Plaintiff's past medical bills alone exceed \$60,000.00.

8. Removal to this district and division is proper under 28 U.S.C.A. §1441(a) because this is the district and division embracing the place where the action is pending.

9. A copy of this Notice of Removal will be promptly served upon counsel for Plaintiff and filed with the Clerk of Court of Common Pleas for the Second Judicial Circuit, County of Aiken, South Carolina, as required by 28 U.S.C. §1446(d).

HEDRICK GARDNER KINCHELOE & GAROFALO LLP

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*ATTORNEYS FOR DEFENDANTS*

Columbia, South Carolina  
March 19, 2021